

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARK TILLMAN WALTERS, III,
Plaintiff,

v.

No. CV 10-1070 WJ/CEG

EDDY COUNTY DETENTION
FACILITY;
ROBERT STEWART, Warden;
MIKE INGRAM, Captain,
Defendants.

**ORDER ADOPTING PROPOSED FINDINGS AND
RECOMMENDED DISPOSITION**

THIS MATTER comes before the Court on the United States Magistrate Judge's *Proposed Findings and Recommended Disposition*, filed July 14, 2011. (Doc. 14). The Magistrate Judge recommended that Plaintiff's claims against the individual Defendants be dismissed with leave to file an amended complaint. (*Id.* at 9). The proposed findings informed Plaintiff that he could object and that failure to do so would waive appellate review. (*Id.*). Plaintiff did not file any objections, but instead filed a *Motion for Leave to File Amended Complaint*. (Doc. 15). In his motion, Plaintiff seeks to add Todd Bannister, the medical administrator for the Eddy County Detention Facility, as a Defendant. (*Id.*). The motion does not include a proposed amended complaint, as D.N.M. LR-Civ. 15.1 requires. See D.N.M. LR-Civ. 15.1 ("A proposed amendment to a pleading must accompany the motion to amend."). Without a proposed amended complaint, the Court has no means of ascertaining whether the amended complaint will address the factual deficiencies identified in the Magistrate Judge's proposed findings. For that reason, Plaintiff's *Motion for Leave to File Amended Complaint*, (Doc. 15), will be denied.

IT IS THEREFORE ORDERED that:

- (1) The Magistrate Judge's *Proposed Findings and Recommended Disposition*, (Doc. 14), is adopted by this Court;
- (2) Plaintiff's *Petition to Enter Co-Defendant*, (Doc. 11), be **DENIED**;
- (3) Plaintiff's *Motion for Leave to File Amended Complaint*, (Doc. 15), be **DENIED**;
- (4) Plaintiff's claims against the Eddy County Detention Facility be **DISMISSED WITH PREJUDICE**;
- (5) All claims raised against the individual Defendants be **DISMISSED WITH LEAVE TO AMEND**. Should Plaintiff wish to pursue his claims, Plaintiff is directed to file an amended complaint containing adequate factual allegations as described in the Magistrate Judge's proposed findings within thirty (30) days.



THE HONORABLE WILLIAM P. JOHNSON
UNITED STATES DISTRICT JUDGE